

AMENDED IN ASSEMBLY JUNE 26, 2012

SENATE BILL

No. 1545

**Introduced by Senator DeSaulnier
(Principal coauthor: Senator Hancock)**

February 24, 2012

An act to add Section ~~30951.1~~ 30951.3 to the Streets and Highways Code, relating to toll bridges, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1545, as amended, DeSaulnier. Bay Area toll bridges.

Existing law designates the Metropolitan Transportation Commission as the regional transportation planning agency for the 9-county San Francisco Bay Area. Existing law creates the Bay Area Toll Authority with specified powers and duties relative to administration of certain toll revenues from state-owned toll bridges within the geographic jurisdiction of the Metropolitan Transportation Commission. *Existing law establishes procedures for a public agency to bring an action in superior court for the judicial validation of specified matters.*

~~This bill would prohibit public money from being used on the development or improvement of an office building at 390 Main Street, San Francisco, until after the State Auditor has completed a specified audit relating to the move of the headquarters of the Metropolitan Transportation Commission. Upon completion of the audit, the bill would require the issues raised in the audit to be addressed and a report in that regard to be submitted to the Legislature prior to future expenditure of public money on the headquarters project. These provisions would apply to the Bay Area Toll Authority, the Metropolitan Transportation Commission, and the Bay Area Headquarters Authority.~~

provide that, unless the State Auditor finds that the Metropolitan Transportation Commission and the Bay Area Toll Authority, acting through the Bay Area Headquarters Authority, a joint powers agency, clearly had the authority to purchase an office building at 390 Main Street, San Francisco, and clearly had the authority to use toll revenues for that purchase, the Metropolitan Transportation Commission and the Bay Area Toll Authority, acting through the Bay Area Headquarters Authority, are required to bring an action to determine the validity of those matters, subject to specified procedures. The bill would prohibit toll moneys from being used for the validation action and would prohibit additional contracts from being entered into with respect to the office building until the validation action is complete. The bill would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 30951.3 is added to the Streets and*
2 *Highways Code, to read:*
3 *30951.3. (a) Notwithstanding any other provision of law,*
4 *unless the State Auditor finds that the Metropolitan Transportation*
5 *Commission and the Bay Area Toll Authority, acting through the*
6 *Bay Area Headquarters Authority, a joint powers agency, clearly*
7 *had the authority to purchase an office building at 390 Main Street,*
8 *San Francisco, and clearly had the authority to use toll revenues*
9 *for that purchase, the Metropolitan Transportation Commission*
10 *and the Bay Area Toll Authority, acting through the Bay Area*
11 *Headquarters Authority, shall bring an action to determine the*
12 *validity of those matters pursuant to Chapter 9 (commencing with*
13 *Section 860) of the Code of Civil Procedure.*

1 **(b)** *The validation action shall determine the following:*

2 **(1)** *Whether the Metropolitan Transportation Commission and*
3 *the Bay Area Toll Authority, acting through the Bay Area*
4 *Headquarters Authority, a joint powers agency, have statutory*
5 *authority to purchase the office building.*

6 **(2)** *Whether the purchase of the office building was a proper*
7 *use of toll revenues.*

8 **(c)** *No toll money shall be used for the validation action.*

9 **(d)** *The Metropolitan Transportation Commission and the Bay*
10 *Area Toll Authority, acting through the Bay Area Headquarters*
11 *Authority, a joint powers agency, shall not enter into any additional*
12 *contracts with respect to the office building until the validation*
13 *action is complete.*

14 **(e)** *Notwithstanding Section 860 of the Code of Civil Procedure,*
15 *a validation action pursuant to this section may be brought after*
16 *the 60-day period.*

17 ~~SECTION 1. Section 30951.1 is added to the Streets and~~
18 ~~Highways Code, to read:~~

19 ~~30951.1. (a) Notwithstanding any other provision of this~~
20 ~~chapter, or any other provision of law, public money may not be~~
21 ~~used on the development or improvement of an office building at~~
22 ~~390 Main Street, San Francisco, until after the State Auditor has~~
23 ~~completed the audit approved by the Joint Legislative Audit~~
24 ~~Committee of the move of the headquarters of the Metropolitan~~
25 ~~Transportation Commission.~~

26 ~~(b) Upon completion of the audit and prior to future expenditure~~
27 ~~of public money for the purposes described in subdivision (a), the~~
28 ~~issues raised in the audit shall first be addressed. A report shall be~~
29 ~~submitted to the Legislature in accordance with Section 9795 of~~
30 ~~the Government Code describing the manner in which those issues~~
31 ~~were addressed.~~

32 ~~(c) This section applies to the authority, the Metropolitan~~
33 ~~Transportation Commission, and the Bay Area Headquarters~~
34 ~~Authority.~~

35 **SEC. 2.** *If the Commission on State Mandates determines that*
36 *this act contains costs mandated by the state, reimbursement to*
37 *local agencies and school districts for those costs shall be made*
38 *pursuant to Part 7 (commencing with Section 17500) of Division*
39 *4 of Title 2 of the Government Code.*

1 SEC. 3. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:

5 In order to prevent the potential misuse of toll and other public
6 revenues, it is necessary that this act take effect immediately.